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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,784	07/25/2001	Jeffrey K. Jeansonne	1662-36800 JMH (P00-3492)	5605

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EXAMINER	
ZHONG, CHAD	

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/912,784	JEANSONNE ET AL.	
	Examiner	Art Unit	
	Chad Zhong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *17-34 and 36-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *17-34 and 36-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

OFFICE ACTION

1. This action is responsive to communications: Amendment, filed on 11/18/2005. This action has been made final. Claims 17-34 and 36-55 are presented for examination. In amendment A, filed on 11/18/2005: Claims 17, 26, 32, 34, 36, 38, 45, 48-49, and 54 are currently amended. Claims 1-16, 35 are cancelled. Applicant's remarks filed 08/31/2005 have been considered but are found moot in view at the new grounds at rejection necessitated by Applicant's amendment.

Previous allowed subject matter is withdraw in light of new reference "7-inch AC/DC Black and White Television", RCA 1999. Therefore, claims 22-23 is rejected.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 17, 21, 24-30, 32, 34, 36-38, 40, 44-50, and 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Related Art (AARA), in view of Ishigaki et al. (hereinafter Ishigaki), US 6,448,927.

4. As per claim 17, AARA teaches a computer system comprising:

a radio module that scans for available wireless access points which support two-way data communications (AARA, pg 2, [0005-0006], where base station radio unit transmit/receives data to and from computer system's radio unit);

a power supply coupled to the radio module (AARA, pg 2-3, [0007-0008], scanning while

powered on);

AARA does not explicitly say an electrical switch mounted on an external surface of the computer system; and

a seek logic coupled to the electrical switch and the power supply

wherein the seek logic is configured to commands the power supply to power the radio module responsive to the actuation of the electrical switch

wherein the radio module scans for available wireless access points (Col. 4, lines 9-10), and indicates the availability of a wireless access point

However, Ishigaki teaches an electrical switch mounted on an external surface of the computer system (Ishigaki, item 3b on Fig 2, wherein the button constitutes a switch); and

a seek logic coupled to the electrical switch and the power supply (Ishigaki, Fig 2, item 1 and 2);

wherein the seek logic is configured to commands the power supply to power the radio module responsive to the actuation of the electrical switch (Ishigaki, see for example, Col. 4, lines 1-15), and

wherein the radio module scans for available wireless access points (Ishigaki, Col. 4, lines 9-10), and indicates the availability of a wireless access point (Ishigaki, Col. 4, lines 10-15), both while the computer system is powered-off (Ishigaki, the mobile device is in a low powered state, Col. 4, lines 50-65).

It would have been obvious to the person of ordinary skill in the art at the time of the invention to incorporate Ishigaki with AARA because the combination would improve the efficiency of AARA's systems by reducing dissipation of electrical current, (Ishigaki, Col. 2, lines 15-20).

6. As per claim 21, AARA – Ishigaki disclose the invention substantially as rejected in claim 17 above, including the electrical switch further comprises a momentary push button switch mounted on an outer surface of a video display of the computer system (Ishigaki, see for example, Fig 2, item 3b).

7. As per claim 24, AARA – Ishigaki disclose the invention substantially as rejected in claim 17 above, including responsive to a momentary actuation of the electrical switch, the seek logic is configured to command the power supply to power the radio module for a sufficient amount of time to allow the radio module to perform a wireless access seek function, and wherein the seek logic commands the radio module to perform a scan for available wireless access points responsive to the momentary actuation of the electrical switch (Ishigaki, Col. 4, lines 1-15).

8. As per claim 25, AARA – Ishigaki disclose the invention substantially as rejected in claim 24 above, including a power supply enabled input signal, wherein the power supply enabled input signal is asserted to indicate that the notebook computer is powered-on (Ishigaki, Col. 4, lines 5-15, position data forwarding signal to communication means 3); and

wherein the seek logic is further configured to refrain from commanding the radio module to perform a scan for available wireless access points if the power supply input signal is asserted (Ishigaki, Col. 4, lines 10-25, where GPS tracking is turned off after position is obtained, and position data forwarding signal means to communication means 3).

9. As per claim 26, AARA – Ishigaki disclose the invention substantially as rejected in claim 1 above, including a method of finding wireless access points with a computing device, the method comprising:

requesting a wireless access seek with the computing device powered-off (Ishigaki, Col. 4, lines 1-2);

scanning for available wireless access points which support two-way data communication (AARA, pg 2, [0005-0006], where base station radio unit transmit/receives data to and from computer system's radio unit), the scanning with a wireless communication module of the portable computing

device while remaining portions of the computing device are powered off (Ishigaki, Col. 4, lines 1-15 and lines 50-67); and

indicating the availability of wireless access points while the remaining portions of the computing device are powered off (Ishigaki, Col. 4, lines 60-65).

10. As per claim 27-28, claims 27-28 are rejected for the same reasons as rejection to claims 17 and 24 above respectively.

11. As per claim 29, claims 29 are rejected for the same reasons as rejection to claims 17 above.

12. As per claim 30, AARA – Ishigaki disclose the invention substantially as rejected in claim 26 above, including executing software in a microcontroller of a wireless communication module, and wherein the software controls various radio components in the wireless communication module (wherein the components in a mobile device are controlled by software, embedded, operating system or otherwise).

13. As per claim 32, AARA – Ishigaki disclose the invention substantially as rejected in claim 1 above, including a computer comprising:

a seek request button mounted on an outer surface of the computer (Ishigaki, Fig 2, item 3b);

a seek logic coupled to seek request button (Ishigaki, Fig. 2, item 1 and 2);

a first power supply coupled to seek logic, and wherein the seek logic enables substantially only the first power supply responsive to assertion of the seek request button (Ishigaki, the power supply is inherent in the current invention, Col. 4, lines 1-15);

a wireless communication module coupled to seek logic and the first power supply, wherein the first power supply powers the wireless communication module, and wherein the seek logic enables the wireless communication module to perform seeking for wireless access points for network data

communications, the seeking responsive to assertion of the seek request button (Ishigaki, Col. 4, lines 1-15);

a notification device coupled to the wireless module wherein the notification device indicates the unavailability of a wireless access point (Ishigaki, Col. 6, lines 10-20).

14. As per claim 34, AARA – Ishigaki disclose the invention substantially as rejected in claim 32 above, including the seek logic refrains from enabling the wireless communication module to perform seeking for wireless access clients if the computer is powered-on (Ishigaki, Col. 7, lines 38-50).

15. As per claim 36, claim 36 is rejected for the same reasons as rejection to claim 17 above.

16. As per claim 37, claims 37 is rejected for the same reasons as rejection to claim 17 above.

17. As per claim 38, AARA – Ishigaki disclose the invention substantially as rejected in claim 36 above, including the means for controlling refrains from enabling the means for wireless network access to perform seeking for wireless access points if the computer system is powered-on (Ishigaki, Col. 7, lines 38-50);

18. As per claim 40, claim 40 is rejected for the same reasons as rejection to claims 17, 26, 32, 37 above.

19. As per claim 44, AARA – Ishigaki disclose the invention substantially as rejected in claim 40 above, including the wireless communication module further comprises:

a microcontroller coupled to the seek request button and the system battery, and wherein the microcontroller is programmed to perform wireless access seeks responsive to assertion of the seek request button (Ishigaki, Col. 4, lines 1-15);

a plurality of radio circuits coupled to the microcontroller adapted to facilitate the microcontroller's wireless access seeks (Ishigaki, Col. 4, lines 1-15).

20. As per claim 45, claim 45 is rejected for the same reasons as rejection to claim 17 above.

21. As per claim 46, claim 46 is rejected for the same reasons as rejection to claim 26 above.

22. As per claim 47, claim 47 is rejected for the same reasons as rejection to claim 17 above.

23. As per claim 48, the claim is rejected for the same reason as combination of rejection to claims 17, 22, 34, and 38 above respectively.

24. As per claim 49-50, claims 49-50 are rejected for the same reasons as rejection to claim 17, 21 above respectively.

25. As per claim 53, AARA – Ishigaki disclose the invention substantially as rejected in claim 17 above, including the radio module indicates the unavailability of a wireless access point while the computer system is powered off (Ishigaki, Col. 6, lines 10-20).

26. As per claim 54, AARA – Ishigaki disclose the invention substantially as rejected in claim 17 above, including a computer system comprising:

a radio module that scans for available wireless access points that support two-way data communications (AARA, pg 2, [0005-0006], where base station radio unit transmit/receives data to and from computer system's radio unit);

a power supply coupled to the radio module (power supply is inherent; AARA, pg 2-3, [0007-0008], scanning while powered on);

an electrical switch mounted on an external surface of the computer system (Ishigaki, Fig 2, item 3b); and

a seek logic coupled to the electrical switch and the power supply (Ishigaki, Fig 2, item 1 and 2);

wherein the seek logic commands the power supply to power the radio module responsive to the actuation of the electrical switch (Ishigaki, Col. 4, lines 1-15); and

wherein the radio module scans for available wireless access points (Ishigaki, Col. 4, lines 1-15), and indicate the availability of a wireless access point, both before the operating system of the computer system is booted (Ishigaki, Col. 4, lines 50-65).

27. As per claim 55, AARA – Ishigaki disclose the invention substantially as rejected in claim 54 above, including the radio module indicates the unavailability of a wireless access point before the operating system of the computer system is booted (Ishigaki, Col. 4, lines 50-65).

29. Claims 18-20, 31, 33, 39, 41-43, and 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over AARA – Ishigaki, as applied to claims 17, 26, 32, 36, 40, and 49 above, in view of what was well known in the art.

30. As per claim 18, claim 18 is rejected for the same reasons as rejection to claim 17 above. Further, Official Notice is taken (see MPEP 2144.03) USB connection is well known and routinely used for plug and play devices at the time of the invention was made.

It would have been obvious to one of ordinary skill in the art to include USB port with AARA - Ishigaki because it would provide for an alternative way to detect wireless access points on a computer system. Moreover, Ishigaki teaches the notion of at least two modes of operation, one for full battery and other for power saving, both modes are capable of detection of wireless access points, thus there are plurality of methods of detecting for wireless access point is taught by this aspect of Ishigaki, and USB interface would simply be another way of detection for wireless access points.

31. As per claim 19, AARA – Ishigaki disclose the invention substantially as rejected in claim 18 above, but do not explicitly teaches the notion of a light emitting diode (LED).

Official Notice is taken (see MPEP 2144.03) the concept and advantages of providing for LEDs are well known and expected in the art for notification purposes.

It would have been obvious to one of ordinary skill in the art to include the LEDs for notification purposes with Ishigaki because it would provide for a way of notifying the user. Further, Ishigaki teaches the notification step wherein the message of notification comes from the access point when the message forwarded to the client.

32. As per claim 31, 33, 39, 41, 51, the claims are rejected for the same reasons as rejection to claim 19 above.

33. As per claim 42, claim 42 is rejected for the same reasons as rejection to claim 19 above. Furthermore, the availability notification is taught by Ishigaki, see for example, Col. 4, lines 1-15.

34. As per claim 43, AARA – Ishigaki disclose the invention substantially as rejected in claim 40 above, do not explicitly teach a display device for displaying text messages indicative of the availability of wireless access.

Official Notice is taken (see MPEP 2144.03) displaying text messages indicating the availability is well known and routinely used for displaying purposes at the time of the invention was made.

It would have been obvious to the person of ordinary skill in the art at the time of the invention to display the retrieved access point information on the LCD of the mobile device, in order to inform the user of the information retrieved.

35. As per claim 20, claim 20 is rejected for the same reasons as rejection to claim 43 above.

36. As per claim 52, claim 52 is rejected for the same reasons as rejection to claim 43 above.

37. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over AARA – Ishigaki, as applied to claim 17 above, in view of "Sporty's JD-200 Transceiver Operator's Manual" (hereinafter Sporty), 1999.

38. As per claim 22, the claim is rejected for the same reasons as rejection to claim 17 above.

However, AARA – Ishigaki does not explicitly say "command for the same amount of time that the electrical switch is activated, thus requiring the user to hold electrical switch in the actuated position during a seek period of the media access controller"

Sporty teaches command for the same amount of time that the electrical switch is activated, thus requiring the user to hold electrical switch in the actuated position during a seek period of the media access controller (pg 2, "Frequency Search", 2nd paragraph, where scanning of frequencies is initiated by pressing and holding the Up or Down Key).

It would have been obvious to the person of ordinary skill in the art at the time of the invention to incorporate Sporty teaching with AARA – Ishigaki because the combination would improve the power distribution/consumption of AARA – Ishigaki's systems by utilizing only allocating a portion of the device power supply to certain device elements that are in use, leading to efficient power management (Sporty, pg 4 and 5, power allocation table based on consumption ratio between the various system components). Additionally, supplying of power to only a section that needs power such as scanning radio frequency only in order to conserve power for a system.

39. As per claim 23, the claim is rejected for the same reasons as rejection to claim 25 above.

Conclusion

40. Applicant's remarks filed 08/31/2005 have been considered but are moot in view at the new grounds at rejection necessitated by Applicant's amendment.

41. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "WIRELESS ACCESS POINT SEEK MODE FOR WIRELESS ACCESS CLIENTS".

i. US 5826015 Schmidt et al.

ii. US 2001/0031626 Lindskog et al.

iii. US 2002/0069231 Ichikawa

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be reached on M-F 7:15 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAROENCHONWANIT, BUNJOB can be reached on (571)272-3913. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CZ
January 26, 2006

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER